



**KERRVILLE CITY COUNCIL AGENDA
REGULAR COUNCIL MEETING, JUNE 11, 2019, 6:00 PM
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS**



The facility is wheelchair accessible and accessible parking spaces are available.
Requests for accommodations or interpretive services must be made 48 hours prior to this event.
Please contact the City Secretary's Office at 830-257-8000 for further information.

CALL TO ORDER:

Mayor Bill Blackburn

INVOCATION:

Offered by Councilmember Cochrane

PLEDGE OF ALLEGIANCE TO THE FLAG:

Led by Councilmember Cochrane

1 ANNOUNCEMENTS OF COMMUNITY INTEREST:

Announcement of items of community interest, including expressions of thanks, congratulations, or condolences; information regarding holiday schedules; honorary recognitions of city officials, employees, or other citizens; reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by city officials or employees; and announcements involving imminent threats to the public health and safety of the city. No action will be taken.

2 VISITORS/CITIZENS FORUM:

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must fill out the speaker request form and give it to the City Secretary. City Council may not discuss or take any action on an item but may place the issue on a future agenda. The number of speakers will be limited to the first ten speakers, and each speaker is limited to four minutes.

3 PRESENTATIONS:

- 3.A. Certificate of Recognition presented to the Upper Guadalupe River Authority, for the Friend of Conservation Award.

Attachments:

[20190611_Recognition_UGRA.pdf](#)

- 3.B. Present Commendations to Economic Improvement Corporation members, for serving on the Economic Improvement Corporation.

Attachments:

[20190611_Commendations_EIC Cooper-Naman-Sigerman.pdf](#)

4 CONSENT AGENDA:

These items are considered routine and can be approved in one motion unless a Councilmember asks for separate consideration of an item. It is recommended that the City Council approve the following items which will grant the Mayor or City Manager the authority to take all actions necessary for each approval:

- 4.A. Purchase of two Generators for Water Production Division, for the total cost of \$171,926.00.

Attachments:

[20190611_Contracts_Buyboard&Sourcewell.pdf](#)

[20190611_Quote_Generator.pdf](#)

- 4.B. Minutes for the Regular City Council meeting held May 28, 2019 at 6:00 p.m.

Attachments:

[20190611_Minutes_Council meeting 5-28-2019.pdf](#)

END OF CONSENT AGENDA

5 PUBLIC HEARING AND ORDINANCES, FIRST READING:

- 5.A. Ordinance No. 2019-15. An ordinance amending Chapter 102 "Traffic and Vehicles", by adding a new section 102-119 "Operation prohibited within city limits; Exception", to the Code of Ordinances of the City of Kerrville, Texas; the new section 102-119 to prohibit through truck traffic on specified streets, roadways, or highways within the City and providing an exception; containing a cumulative clause; containing a savings and severability clause; providing a penalty; and providing other matters relating to the subject

Attachments:

[20190611_Ordinance_2019-15 Traffic and Vehicles.pdf](#)

6 ORDINANCES, FIRST READING:

- 6.A. Ordinance No. 2019-12. An ordinance amending in its entirety Chapter 10 "Alcoholic Beverages" of the Code of Ordinances of the City of Kerrville, Texas; regarding the City's authority over the sale of alcoholic beverages, to include the process for the City's imposition and collection of fees, to prohibit sales within areas zoned for residential use, to prohibit sales within three hundred feet of churches, public hospitals, schools, and child-care facilities, and to adopt a variance process applicable to such distance requirement; containing a savings and severability clause; providing for an effective date; ordering publication, and providing other matters relating to the subject

Attachments:

[20190611_Ordinance_2019-12 Chapter 10 Alcoholic Beverages.pdf](#)

7 ORDINANCES, SECOND READING:

- 7.A. Ordinance No. 2019-10. An ordinance amending the 2019 Fiscal Year budget to account for the transfer of excess funds, the receipt of additional revenue, and to make other amendments as provided herein

Attachments:

[20190528-20190611_Ordinance_2019-10 Amending 2019 Fiscal Year Budget.pdf](#)

[20190611_Ordinance_Attachment A.pdf](#)

8 ITEMS FOR FUTURE AGENDAS:

City Council may suggest items or topics for future agendas.

9 EXECUTIVE SESSION:

City Council may, as permitted by law, adjourn into executive session at any time to discuss any matter listed above including if they meet the qualifications in Sections 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel/officers), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Texas Government Code.

- 9.A. Section 551.087. Deliberation regarding Business Prospect/Economic Development activity.

- 9.B. Section 551.072. Deliberation regarding Real Property: A.C. Schreiner House.

10 ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY:

ADJOURNMENT.



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Certificate of Recognition presented to the Upper Guadalupe River Authority, for the Friend of Conservation Award.

AGENDA DATE OF: June 11, 2019

DATE SUBMITTED: Jun 06, 2019

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20190611_Recognition_UGRA.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$0	\$0	\$0	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

Certificate of Recognition presented to the Upper Guadalupe River Authority recognizing the Friend of Conservation Award.

RECOMMENDED ACTION:

Present recognition.

Certificate of Recognition

Is hereby presented to

Upper Guadalupe River Authority

Each year, the Texas State Soil and Water Conservation Board and the Association of Texas and Soil and Water Conservation Districts recognize and honor those who dedicate themselves and their talents to the conservation and wise use of our renewable natural resources through the Texas Conservation Awards Program. The Kerr County Soil and Water Conservation District selected UGRA as their winner in the Friend of Conservation category for 2019, thus elevating UGRA to the Area II competition in this category.

The City of Kerrville congratulates UGRA for their leadership in water conservation and being honored through the Texas Conservation Awards Program.



Hereunto set my hand and caused the
Seal of the City of Kerrville to be affixed
hereto the 11 day of June, 2019.

Bill Blackburn, Mayor



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Present Commendations to Economic Improvement Corporation members,
for serving on the Economic Improvement Corporation.

AGENDA DATE OF: June 11, 2019

DATE SUBMITTED: Jun 06, 2019

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20190611_Commendations_EIC Cooper-Naman-Sigerman.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$0	\$0	\$0	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

Recognize members for serving on the Economic Improvement Corporation.

RECOMMENDED ACTION:

Present Commendations.



CITY OF KERRVILLE, TEXAS

Shelley McElhannon, City Secretary
701 Main Street
Kerrville, Texas 78028
(830) 258-1117

e-mail: shelley.mcelhannon@kerrvilletx.gov

RESOLUTION OF COMMENDATION

WHEREAS, GARY COOPER has served as a member of the Economic Improvement Corporation with the date of service beginning May 23, 2017; and

WHEREAS, GARY COOPER has served faithfully and dutifully on said board;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

That **GARY COOPER** be recognized for outstanding service as a member of the Economic Improvement Corporation, and that on behalf of the citizens of Kerrville as well as for ourselves individually, we wish to express our sincere appreciation for her contributions to the city and the community.

PASSED AND APPROVED, this the ____ day of _____, 2019.

ATTEST:

Shelley McElhannon, City Secretary

Bill Blackburn, Mayor

Judy Eychner, Mayor Pro Tem

Gary Cochrane, Councilmember

Kim Clarkson, Councilmember

Delayne Sigerman, Councilmember



CITY OF KERRVILLE, TEXAS

Shelley McElhannon, City Secretary
701 Main Street
Kerrville, Texas 78028
(830) 258-1117

e-mail: shelley.mcelhannon@kerrvilletx.gov

RESOLUTION OF COMMENDATION

WHEREAS, ROBERT NAMAN has served as a member of the Economic Improvement Corporation with the date of service beginning May 23, 2017; and

WHEREAS, ROBERT NAMAN has served faithfully and dutifully on said board;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

That **ROBERT NAMAN** be recognized for outstanding service as a member of the Economic Improvement Corporation, and that on behalf of the citizens of Kerrville as well as for ourselves individually, we wish to express our sincere appreciation for her contributions to the city and the community.

PASSED AND APPROVED, this the ____ day of _____, 2019.

ATTEST:

Shelley McElhannon, City Secretary

Bill Blackburn, Mayor

Judy Eychner, Mayor Pro Tem

Gary Cochrane, Councilmember

Kim Clarkson, Councilmember

Delayne Sigerman, Councilmember



CITY OF KERRVILLE, TEXAS

Shelley McElhannon, City Secretary

701 Main Street

Kerrville, Texas 78028

(830) 258-1117

e-mail: shelley.mcelhannon@kerrvilletx.gov

RESOLUTION OF COMMENDATION

WHEREAS, DELAYNE SIGERMAN has served as a member of the Economic Improvement Corporation with the date of service beginning May 22, 2018; and

WHEREAS, DELAYNE SIGERMAN has served faithfully and dutifully on said board;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

That **DELAYNE SIGERMAN** be recognized for outstanding service as a member of the Economic Improvement Corporation, and that on behalf of the citizens of Kerrville as well as for ourselves individually, we wish to express our sincere appreciation for her contributions to the city and the community.

PASSED AND APPROVED, this the ____ day of _____, 2019.

ATTEST:

Shelley McElhannon, City Secretary

Bill Blackburn, Mayor

Judy Eychner, Mayor Pro Tem

Gary Cochrane, Councilmember

Kim Clarkson, Councilmember



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Purchase of two Generators for Water Production Division, for the total cost of \$171,926.00.

AGENDA DATE OF: June 11, 2019

DATE SUBMITTED: May 28, 2019

SUBMITTED BY: David Barrera

EXHIBITS: [20190611_Contracts_Buyboard&Sourcewell.pdf](#)
[20190611_Quote_Generator.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$171,926.00	\$186,921.75	\$171,926.00	19-1900-5300

PAYMENT TO BE MADE TO: Romco Power Systems

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

These generators will aid in securing water service during outages or other circumstances that cause the plant to shut down. A stationary generator that is capable of providing power to one of the largest sites will be located at the Meadowview site. The other will be a mobile unit that is capable of operating the smaller sites throughout the city.

RECOMMENDED ACTION:

Authorize the purchase of these budgeted items.

Wednesday May, 22, 2019

Reference: Atlas Copco – Power Technique North America LLC
Sourcewell contract number: 032515-ACC

Attention: Jeff Renaud;

Romco Power Systems is a registered dealer for Atlas Copco - Power Technique North America LLC and as such has full access to all equipment and special pricing under the Sourcewell contact agreement no. 032515-ACC

Portable Diesel Generators	Portable Diesel Compressors
Light Towers	Mobile Diesel Dewatering Pumps
Portable Generators	Dewatering Pumps
Hand-held Pneumatic and Hydraulic Tools	

As a member of Sourcewell, you are authorized to use Sourcewell contract No. 032515-ACC with Power Technique North America LLC a division of Atlas Copco and Romco Power Systems.

Pricing for this contract is provided at a discount off current MSRP. Please contact our authorized dealer for additional information.

Thank you for your interest in our products

Sincerely

Paul Tate

Paul Tate
Business Development Manager - Government
Power Technique North America LLC

Power Technique North America LLC

1059 Paragon Way
Rock Hill, SC 29730
www.atlascopco.com

Phone: 1-800-732-6762



Phone: 800.695.2919
Email:
info@buyboard.com

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Vendors

ROMCO Equipment Company, LLC

[X]

Price Range

Show all prices

Category

None Selected

Contract

None selected

Vendor Name: ROMCO Equipment Company, LLC**Address:** 8450 Breen Dr.
Houston, TX 77064**Phone Number:** (713) 937-3005**Email:** spassmore@romco.com**Website:** <http://www.romco.com>**Federal ID:** 75-1316474**Contact:** Steve Passmore**Accepts RFQs:** Yes**Minority Owned:** No**Women Owned:** No**Service-Disabled Veteran Owned:** No**EDGAR Forms Received:** Yes**No Israel Boycott Certificate:** Yes**No Excluded Foreign Terrorist Orgs:** Yes**Contract Name:** Construction, Road/Bridge, Ditching, Trenching, Utility and Other Equipment**Contract#:** 515-16**Effective Date:** 12/01/2016**Expiration Date:** 11/30/2019**Payment Terms:** Net 30 days**Delivery Days:** 180**Shipping Terms:** Pre-paid and added to invoice**Freight Terms:** FOB Destination**Ship Via:** Common Carrier**Region Served:** All Texas Regions**States Served:** Texas**Additional Info:** EDGAR Vendor Certification Form (relating to 2 CFR Part 200 & Appendix II) is Vendor response document, and can be found in the Vendor Proposal File link page.**Quote Reference Number:** 515-16**Return Policy:** No returns**Additional Dealers:** Romco Equipment Locations in: Dallas TX; Fort Worth TX; Round Rock TX; Los Antonio TX; Mercedes TX; Carmine TX

Contract Documents

EDGAR Notice: [Click to view EDGAR Notice](#)**Proposal Documents:** [Click to view BuyBoard Proposal Documents](#)**Regulatory Notice:** [Click to view Bonding Regulatory Notice](#)**Proposal Files:** [Click to view Vendor Proposal Files Documents](#)**Renewal Notice/Letter:** [Click to view Vendor Renewal Notice/Letter Documents](#)

Contact us 800.695.2919



1042 SE Loop 410 / San Antonio TX 78220 / 210-648-0185 / Fax: 210-648-6439

Quote No. ES18001741
Version: 059
Date: 05/22/2019

City of Kerrville
701 Main
Kerrville TX 78028

ROMCO Equipment Co. is pleased to present the following equipment for your consideration:

- 1 New 2019 Atlas Copco QAS150 MD T4F \$79,150.00**
- MTU 4R1000
 - Lee Roy Somer Alternator
 - Rated Prime Power: 120 kW /150 kVA
 - 270 Gallon fuel tank
 - 36 Hour run time @ 100% load
 - Spill Containment
 - Trailer Mounted
 - Weight: 8,541 lb.
 - All Standard Equipment

Sourcewell Contract: 032515-ACC

Lead Time: 5-6 Weeks from receipt of order.
Freight: FOB City of Kerrville

SALE PRICE: \$79,150.00

Price does not include any taxes. The above price is valid for 30 days unless specifically extended by ROMCO Equipment Co.

Notice is hereby given that ROMCO Equipment Co. LLC has assigned its rights under this sales contract to ROMCO Exchange Co. LLC to sell the equipment described herein and, if applicable, to purchase trade-in property described herein.

Quoted By:

John D Young
ROMCO Power System Sales

EQUIPMENT FOR THE CONSTRUCTION, MINING AND AGGREGATE INDUSTRIES



1042 SE Loop 410 / San Antonio TX 78220 / 210-648-0185 / Fax: 210-648-6439

Quote No. ES18001773-2
Version: 1
Date: 05/22/2019

City of Kerrville
Attn: Accounts Payable
Kerrville TX 78028

ROMCO Equipment Co. is pleased to present the following equipment for your consideration:

- 1 NEW CK POWER G350MS-VP4 SKID MOUNTED GENERATOR \$92,776.00
- John Deere Engine
 - Tier 3 Compliant
 - Kohler Alternator
 - Rated Standby Power: 350 kW / 438 kVA
 - 767 Gallon Fuel Tank
 - Spill Containment
 - Length: 3,630 in
 - Width: 1,725 in
 - Height: 1,993 in.
 - Weight: 8,600 lb.
 - All Standard Equipment

Automatic transfer switch not Included

*BUYBOARD CONTRACT: 597-16

LEAD TIME: 22 weeks after receipt of order

FREIGHT: Direct to customer from factory

Pricing includes initial stat-up

Customer responsible for unloading upon delivery

TOTAL SALE PRICE \$92,776.00

Price does not include any taxes. The above price is valid for 30 days unless specifically extended by ROMCO Equipment Co.

Notice is hereby given that ROMCO Equipment Co. LLC has assigned its rights under this sales contract to ROMCO Exchange Co. LLC to sell the equipment described herein and, if applicable, to purchase trade-in property described herein.

Quoted By:

John Young
Power System Sales

EQUIPMENT FOR THE CONSTRUCTION, MINING AND AGGREGATE INDUSTRIES



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Minutes for the Regular City Council meeting held May 28, 2019 at 6:00 p.m.

AGENDA DATE OF: June 11, 2019

DATE SUBMITTED: Jun 05, 2019

SUBMITTED BY: Cheryl Brown

EXHIBITS: [20190611_Minutes_Council meeting 5-28-2019.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$0	N/A	N/A	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

Minutes for the regular City Council meeting held May 28, 2019.

RECOMMENDED ACTION:

Approve minutes for the regular City Council meeting held May 28, 2019.

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
MAY 28, 2019

On May 28, 2019, at 6:00 p.m. the meeting was called to order by Mayor Bill Blackburn in the City Hall Council Chambers at 701 Main Street. The invocation was offered by Councilmember Delayne Sigerman, followed by the Pledge of Allegiance led by Councilmember Sigerman.

COUNCILMEMBERS PRESENT:

Bill Blackburn	Mayor
Judy Eychner	Mayor Pro Tem
Kim Clarkson	Councilmember
Gary Cochrane	Councilmember
Delayne Sigerman	Councilmember

COUNCILMEMBER ABSENT: None

CITY EXECUTIVE STAFF PRESENT:

Mark McDaniel	City Manager
E.A. Hoppe	Deputy City Manager
Mike Hayes	City Attorney
Cheryl Brown	Deputy City Secretary
Stuart Cunyus	Public Information Officer
Amy Dozier	Director of Finance
Guillermo Garcia	Director of Innovation
David Knight	Chief of Police
Kim Meisner	Executive Director for General Operations
Drew Paxton	Executive Director of Development Services
Dannie Smith	Fire Chief

VISITORS PRESENT: On file in City Secretary's Office for required retention period.

1. ANNOUNCEMENTS OF COMMUNITY INTEREST:

Items of Interest to the Community were presented by Stuart Cunyus, Councilmember Kim Clarkson, Councilmember Gary Cochrane, and Councilmember Judy Eychner.

2. VISITORS FORUM:

The following persons spoke:

- Joseph Johnson
- Wilfred Heuer
- Susan Deininger
- Dale Trees
- Bruce Stracke

3. PRESENTATIONS:

3A. Mayor Bill Blackburn presented to Brian Hunt, Chief Building Official for the City of Kerrville, a Proclamation declaring May 2019 Building Safety Month.

3B. Mayor Blackburn presented to Julian Zamudio, owner and operator of Turtle Creek Landscapes, a Certificate of Recognition for assisting homeowners with rectifying code compliance issues.

3C. Mayor Blackburn presented to Mike Wittler, General Manager of Kerrville Public Utility Board, a Certificate of Recognition for winning the national competition to expand solar access.

4. CONSENT AGENDA:

Councilmember Eychner moved to approve Items 4A through 4C as presented. Councilmember Cochrane seconded, and the motion passed 5-0.

4A. Minutes for the regular Election Canvass meeting held May 14, 2019.

4B. Minutes for the regular City Council meeting held May 14, 2019.

4C. Minutes for the City Council Workshop held May 21, 2019.

END OF CONSENT AGENDA:

5. PUBLIC HEARINGS AND RESOLUTIONS:

5A. Resolution 03-2019, granting a Conditional Use Permit for an approximate 1.166 acres, being a portion of Lot 1, Block 1 of the H.E.B. Addition, Lots 300-301 and a portion of Lots 348-349, Block 48 of the Schreiner 2nd Addition, both Subdivisions within the City of Kerrville, Kerr County, Texas; and more commonly known as the property located at 300 Main Street (State Hwy. 27); said property is located within the Central Business District "CBD"; by permitting said property to be used for gasoline station (fuel sales) with car wash and convenience store; and making said permit subject to certain conditions and restrictions contained herein.

Mayor Blackburn opened the public hearing at 6:39 p.m.

Mr. Paxton presented the Resolution. Mr. Paxton and an H.E.B. representative responded to questions.

The following person spoke:

Bunny Bond

Councilmember Sigerman moved to approve Resolution No. 03-2019 as presented. Councilmember Eychner seconded, and the motion passed 5-0.

Mayor Blackburn closed the public hearing at 6:58 p.m.

5B. Resolution No. 13-2019 granting a Conditional Use Permit for an approximate 0.89 acre property; consisting of Lots 369 through 373 and a portion of Lot 374, Block 52, of the Schreiner 2nd Addition, subdivision within the City of Kerrville, Kerr County, Texas; and more commonly known as 400, 408, 412, and 416 Jefferson Street; said property is located within the Central Business District "CBD" by permitting said property to be used for a stand-alone parking lot; and making said permit subject to certain conditions and restrictions contained herein.

Mayor Blackburn opened the public hearing at 6:59 p.m.

Mr. Paxton presented the Resolution. Mr. Paxton and an H.E.B. representative responded to questions.

Councilmember Eychner moved to approve Resolution No. 13-2019 as presented. Councilmember Sigerman seconded, and the motion passed 5-0.

Mayor Blackburn closed the public hearing at 7:06 p.m.

6. ORDINANCES, FIRST READING:

6A. Ordinance No. 2019-10 amending Fiscal Year 2019 Budget to account for the transfer of excess funds, the receipt of additional revenue, and to make other amendments as provided herein.

Ms. Dozier presented the ordinance and responded to questions.

Councilmember Cochrane moved to approve Ordinance No. 2019-10 on first reading as presented. Councilmember Eychner seconded, and the motion passed 5-0.

6B. Ordinance No. 2019-12 amending in its entirety Chapter 10, "Alcoholic Beverages" of the Code of Ordinances of the City of Kerrville, Texas; regarding the City's authority over the sale of alcoholic beverages, to include the process for the City's imposition and collection of fees, to prohibit sales within areas zoned for residential use, to prohibit sales within three hundred feet of churches, public hospitals, schools and child care facilities, and to adopt a variance process applicable to such distance requirement; containing a savings and severability clause; providing for an effective date; ordering publication; and providing other matters relating to the subject.

Mr. Paxton presented ordinance and responded to questions from the Council.

Councilmember Eychner moved to table approval of Ordinance No. 2019-12. Councilmember Cochrane seconded, and the motion passed 5-0.

7. ORDINANCE, SECOND READING:

Ordinance No. 2019-09, annexing a portion of an approximate 35.05 acre tract of land out of the S. Wallace Survey No. 11, Abstract No. 347, and into the corporate limits of the City of Kerrville, Texas; said tract being located within Kerr County, Texas, and the Extraterritorial Jurisdiction of the City of Kerrville, Texas; and generally located adjacent to Loop 534 (Veterans Highway); further describing the property to be annexed; adopting a service plan for the property annexed; and establishing the zoning for both the property annexed and the entire tract.

Mr. Paxton presented the Ordinance. Alan Linsrive, an engineer with KISD, and Mr. Paxton responded to questions from the Council.

Councilmember Clarkson moved to approve Ordinance 2019-09 on second reading. Councilmember Cochrane seconded, and the motion passed 5-0.

8. CONSIDERATION AND POSSIBLE ACTION:

8A. Resolution No. 14-2019 authorizing the waiver of the park fees for the Juneteenth 2019 Event, to be held on June 19, 2019 at the City's Carver Park. This item is requested and initiated by citizen Laresa Anderson.

Mayor Blackburn stated this item was withdrawn by the applicant.

8B. Approval of the Kerrville-Kerr County Joint Airport Board Budget for Fiscal Year 2019-2020. This item was requested by Mary Rohrer, Airport Manager.

Mr. McDaniel introduced the item, and asked Ms. Rohrer, Airport Manager to present the budget, and respond to questions.

Councilmember Sigerman moved to approve the Fiscal Year 2019-2020 Budget for the Kerrville-Kerr County Joint Airport Board. Councilmember Eychner seconded, and the motion passed 5-0.

9. INFORMATION AND DISCUSSION:

9A. Financial update for the month ending April 30, 2019.

Ms. Dozier gave the update, and responded to questions from the Council.

9B. Monthly Community Improvement Project (CIP) Report.

Mr. Hoppe presented the report, and responded to questions from the Council.

9C. Progress Report Regarding Development Services Improvements.

Mr. Garcia presented the report, and responded to questions from the Council.

ITEMS FOR FUTURE AGENDAS:

Mayor Blackburn moved Agenda Item 11 up.

Councilmember Eychner mentioned the Workshop scheduled for the following day.

Councilmember Sigerman asked about possible preparations for the solar eclipse of 2024.

Councilmember Cochrane stated he agreed with the possibility of Disc Golf coming to Kerrville.

10. BOARD APPOINTMENTS:

10A. Appointments to the City of Kerrville, Texas Economic Improvement Corporation.

This item was taken into executive session.

11. ITEMS FOR FUTURE AGENDAS: This item was moved up prior to board appointments, which were deliberated in executive session.

12. EXECUTIVE SESSION:

Councilmember Eychner moved to go into executive session under Sections 551.074 551.087 of the Texas Government Code. Councilmember Cochrane seconded, and the motion passed 5-0.

Mayor Blackburn adjourned open session at 8:32 p.m.

At 8:35 p.m. Council convened in closed session.

At 9:14 the Council reconvened in open session. Mayor Blackburn announced that no action was taken in executive session.

13. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY:

Councilmember Eychner moved to reappoint Kent McKinney, and to appoint Danny Almond, Aaron Yates, and Gregory Richards to the City of Kerrville, Texas Economic Improvement Corporation. Councilmember Sigerman seconded, and the motion passed 5-0.

14. ADJOURNMENT.

The meeting was adjourned at 9:16 p.m.

APPROVED: _____

Bill Blackburn, Mayor

ATTEST: _____
Cheryl Brown, Deputy City Secretary



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Ordinance No. 2019-15. An ordinance amending Chapter 102 "Traffic and Vehicles", by adding a new section 102-119 "Operation prohibited within city limits; Exception", to the Code of Ordinances of the City of Kerrville, Texas; the new section 102-119 to prohibit through truck traffic on specified streets, roadways, or highways within the City and providing and exception; containing a cumulative clause; containing a savings and severability clause; providing a penalty; and providing other matters relating to the subject

AGENDA DATE OF: June 11, 2019 **DATE SUBMITTED:** Jun 05, 2019

SUBMITTED BY: David Knight

EXHIBITS: [20190611_Ordinance_2019-15 Traffic and Vehicles.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
0\$	0\$	0\$	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	Yes
Key Priority Area	M - Mobility / Transportation
Guiding Principle	M1. Promote a safe, reliable, sustainable and affordable transportation system
Action Item	M1.6 - Develop a plan that would minimize cut-through commercial traffic in residential areas

SUMMARY STATEMENT:

The Kerrville Police Department has conducted targeted enforcement of traffic violations on Riverhill Blvd. on a regular basis to address the concerns of the residents and enhance public safety. This has been an ongoing effort going back to 2002 and has been continued contingent upon patrol staffing and traffic unit availability. Other enforcement assets through cooperation with DPS have also been utilized in this effort. Signage that is currently in place indicating a restriction to through traffic for vehicles in excess of 7,000 lbs. is not enforceable due to the absence of an ordinance AND OTHER REQUIREMENTS. The establishment of a 7,000 lb. limit further complicates enforcement

efforts due to the challenges created in visually identifying vehicles that exceed the weight classification.

The concerns of residents in the area specifically related to their perceptions of traffic issues on Riverhill Blvd. have been a catalyst for frustration and complaints for the past two decades. A component of the issue is a perceived large volume of commercial truck traffic using Riverhill Blvd. as a pass through between SHWY 173 and SHWY 16 which significantly increases traffic counts, traffic noise and roadway damage / deterioration associated with larger and heavier vehicles. Residents in the area have observed that heavy vehicle traffic counts, noise and trucks using the roadway as a pass through are commonplace.

In September 2002, a City of Kerrville Engineering Division stop warrant analysis was conducted in response to citizen requests for the placement of multiway STOP signs at three intersections on Riverhill Blvd. in hopes of abating the perceived traffic issues. The average daily traffic count on Riverhill Blvd. from the 200 Blk. – 500 Blk. ranged from a low count of 617 vehicles to a high count of 1,330 vehicles.

In October 2018, the Police Department Traffic Unit conducted a data analysis on Riverhill Blvd. over 14 days to bracket timeline of potential violations as reported by residents. The measured data indicates that the average amount of daily traffic (AADT) for this roadway was 1,230 vehicles. Of those vehicles 97.5% were small and medium size vehicles and 446 were trucks, about 32 per day.

The Police Department assisted in development of an ordinance and enforcement strategy to address perceived large vehicle pass through traffic in residential areas, identified as an action item under the Kerrville 2050 Key Priority Area of Mobility/Transportation. Adoption of this ordinance provides for future additions to restrict commercial vehicle cut-through traffic on other residential area streets as determined to be necessary.

RECOMMENDED ACTION:

Approve Ordinance No. 2019-15 on first reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2019-15**

AN ORDINANCE AMENDING CHAPTER 102 “TRAFFIC AND VEHICLES”, BY ADDING A NEW SECTION 102-119 “OPERATION PROHIBITED WITHIN CITY LIMITS; EXCEPTION”, TO THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS; THE NEW SECTION 102-119 TO PROHIBIT THROUGH TRUCK TRAFFIC ON SPECIFIED STREETS, ROADWAYS, OR HIGHWAYS WITHIN THE CITY AND PROVIDING AN EXCEPTION; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, cut-through traffic on streets through residential areas is a growing concern for some City residents; and

WHEREAS, following investigations of complaints in several areas, which included vehicle counts, speed studies, and on-scene observations, the City’s Public Works and Police Departments found that a significant amount of such cut-through traffic consists of commercial vehicles passing through a neighborhood without at least 1 trip end, origin, or destination within that neighborhood; and

WHEREAS, residential streets are not designed to carry high volume or heavy loaded through traffic; and

WHEREAS, this unnecessary through traffic causes unwanted noise, dust, pollution, and safety issues for residents; and

WHEREAS, in addition to pollution and safety issues, cut-through commercial traffic causes pavement deterioration of neighborhood roads since such roads are not designed for what at times is high volume, heavy commercial traffic, which in most cases, is seeking to bypass larger roads; and

WHEREAS, the City has the authority to regulate heavy truck traffic on the public roadways of the City pursuant to Sections 311.001 and 621.303 of the Texas Transportation Code; and

WHEREAS, based upon the concerns raised and subsequent investigations and studies conducted by staff, City Council finds that it is in the best interest of the health, safety, and welfare of its citizens to prohibit through truck traffic on certain streets within the City; and

WHEREAS, City Council further finds that the prohibition of through truck traffic on designated streets will help prolong the life of those streets; and

WHEREAS, City Council finds it to be in the public interest to amend Chapter 102 of the Code of Ordinances of the City of Kerrville, Texas, to prohibit through-traffic on an appropriate street(s) within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. The foregoing recitals are found to be true and correct, are adopted by City Council, and made a part hereof for all purposes as findings of fact.

SECTION TWO. Chapter 102 "Traffic and Vehicles" of the Code of Ordinances for the City of Kerrville, Texas, is amended by adding a new Section 102-119 "Operation Prohibited within City Limits; exception" as indicated by the language that is underlined (added) as follows:

"Sec. 102-119. - Operation prohibited within City limits; exception.

It is unlawful for any person to drive or operate any truck or tractor-trailer combination which has dual or tandem rear axles on any street, roadway, or highway or segment of such street, roadway, or highway within the City limits when such street is marked with a sign prohibiting through truck traffic; provided, however, that this prohibition does not apply to trucks being used to make deliveries or pick-ups from a residence or business located on said street or street segment. When signs are erected giving notice thereof, through truck traffic is prohibited upon those streets or portions of streets as follows:

ON	FROM	TO
Riverhill Boulevard	State Highway 16 South (Medina Highway)	State Highway 173 (Bandera Highway)

”

SECTION THREE. The City Secretary is authorized and directed to submit this amendment to the publisher of the City's Code of Ordinances and the publisher is authorized to amend said Code to reflect the amendment adopted herein and to correct typographical errors and to index, format, and number and letter paragraphs to the existing Code, as appropriate.

SECTION FOUR. The provisions of this Ordinance are to be cumulative of all other Ordinances or parts of Ordinances governing or regulating the same subject

matter as that covered herein; provided, however, that all prior Ordinances or parts of Ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FIVE. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Kerrville, Texas, declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION SIX. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Section 1-7, Chapter 1 of the Code of Ordinances of the City of Kerrville, Texas.

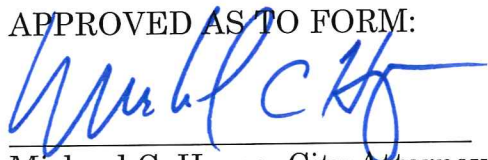
SECTION SEVEN. Pursuant to Texas Local Government Code §52.013(a) and Section 3.07 of the City's Charter, the City Secretary is authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

PASSED AND APPROVED ON FIRST READING, this the ____ day of ____ A.D., 2019.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ day of ____, A.D., 2019.

Bill Blackburn, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Ordinance No. 2019-12. An ordinance amending in its entirety Chapter 10 "Alcoholic Beverages" of the Code of Ordinances of the City of Kerrville, Texas; regarding the City's authority over the sale of alcoholic beverages, to include the process for the City's imposition and collection of fees, to prohibit sales within areas zoned for residential use, to prohibit sales within three hundred feet of churches, public hospitals, schools, and child-care facilities, and to adopt a variance process applicable to such distance requirement; containing a savings and severability clause; providing for an effective date; ordering publication, and providing other matters relating to the subject

AGENDA DATE OF: June 11, 2019

DATE SUBMITTED: May 31, 2019

SUBMITTED BY: Drew Paxton

EXHIBITS: [20190611_Ordinance_2019-12 Chapter 10 Alcoholic Beverages.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$0	N/A	N/A	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

Since at least 1933, the City of Kerrville has regulated various aspects of the sale of alcoholic beverages. The City has enacted regulations prohibiting the sale of alcoholic beverages within 300 feet of any church or school. It is in the public interest to amend Chapter 10, "Alcoholic Beverages", to clarify the City's authority over the sale of alcoholic beverages, to include the process for the City's imposition and collection of fees, the prohibition of sales within areas zoned for residential use, and the prohibition of sales within 300 feet of churches, public hospitals, schools, and child-care facilities, and to adopt a variance process to such distance requirement.

This item was first presented for City Council consideration on May 28, 2019. City Council deferred item. Taking into consideration the recommendation from City Council, this item has been edited to remove the provision that would have granted a variance to the distance requirement that would have allowed the sale of alcoholic beverages within 300 feet of a church or school within the Central Business District or Downtown Core or mixed use districts. All variances to the distance requirement will only be granted upon approval of City Council.

RECOMMENDED ACTION:

Approval of Ordinance No. 2019-12 as presented.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2019-12**

AN ORDINANCE AMENDING IN ITS ENTIRETY CHAPTER 10 “ALCOHOLIC BEVERAGES” OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS; REGARDING THE CITY’S AUTHORITY OVER THE SALE OF ALCOHOLIC BEVERAGES, TO INCLUDE THE PROCESS FOR THE CITY’S IMPOSITION AND COLLECTION OF FEES, TO PROHIBIT SALES WITHIN AREAS ZONED FOR RESIDENTIAL USE, TO PROHIBIT SALES WITHIN THREE HUNDRED FEET OF CHURCHES, PUBLIC HOSPITALS, SCHOOLS, AND CHILD-CARE FACILITIES, AND TO ADOPT A VARIANCE PROCESS APPLICABLE TO SUCH DISTANCE REQUIREMENT; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, the Texas Legislature narrowly circumscribes a home-rule city’s authority to regulate alcoholic beverages; and

WHEREAS, the City, pursuant to the authority granted by the state, has regulated various aspects of the sale of alcoholic beverages since at least 1933, such regulations found within Chapter 10 “Alcoholic Beverages” of the City’s Code of Ordinances (“Chapter 10”); and

WHEREAS, pursuant to the authority found within Section 109.33 of the Texas Alcoholic Beverage Code, the City, per Section 10-6 of its Code of Ordinances, previously enacted regulations prohibiting the sale of alcoholic beverages within 300 feet of any church or school; and

WHEREAS, Section 109.33, Texas Alcoholic Beverage Code, also authorizes a city to allow a variance to this distance requirement under certain conditions, which to date, the City has not adopted; and

WHEREAS, the City’s Comprehensive Plan (*Kerrville 2050*) encourages the development of compact, pedestrian-scaled, mixed-use neighborhoods and commercial districts to create a livable and sustainable community; and

WHEREAS, City staff believes requiring a three hundred foot distance near churches, schools, or public hospitals located within the City’s downtown area and other mixed-use areas would create an inefficient use of the land

under the Comprehensive Plan and create an undue hardship on businesses within these districts; and

WHEREAS, it is advisable to amend Chapter 10 to provide the distance regulations contained therein as it relates to churches, public or private schools, or public hospitals are not applicable to specified districts; and

WHEREAS, while reviewing Chapter 10 with respect to making this change, City staff found other language that should be amended to clarify the City's authority over the sale of alcoholic beverages within the City; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to amend Chapter 10, by amending it in its entirety to clarify the City's authority over the sale of alcoholic beverages, to include the process for the City's imposition and collection of fees, to prohibit sales within areas zoned for residential use, to prohibit sales within 300 feet of churches, public hospitals, schools, and child-care facilities, and to adopt a variance process applicable to such distance requirement;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. Chapter 10 "Alcoholic Beverages," of the Code of Ordinances of the City of Kerrville, Texas, is amended by repealing it and replacing it in its entirety with new language that is underlined (added) as follows:

"Sec. 10-1. – Local fee; certificate.

(a) There is levied and assessed and shall be collected by the City a fee from every person pursuing or engaging in any business within the City for which a permit or license is required by the Texas Alcoholic Beverage Code (the "Code"). Such fee shall be in an amount equal to one-half of the state fee charged for such permit or license as such fee now exists or shall from time to time be established or modified pursuant to the Code, except for a brewer's permit, brewpub license, or license issued for a similar business, in which case the City shall charge the fee applicable for an on-premises retailer. The City adopts those exemptions from the permit and license fee requirement as are provided in the Code.

(b) Upon payment to the City Secretary of the applicable fee prescribed in this section and presentation to the City Secretary of a permit or license

duly issued by the state to the applicant or person paying such fee, the City Secretary shall, in the name of the City, issue and deliver to such applicant or person a certificate to engage in the business within the City of the character described in and authorized by the permit or license from the state held by such applicant or person. The certificate so issued in the name of the City will authorize the conduct of such business upon the premises described in the permit or license from the state and remain in force only so long as such permit or license from the state remains in force. The holder of the state permit or license shall publicly display the certificate from the City on the premises together with the state permit or license.

(c) A certificate issued by the City under the terms of this chapter shall be issued in conjunction with the permit or license issued and/or renewed by the Texas Alcoholic Beverage Commission (TABC) or every two years from the date issued. No part of the City fee may be refunded if a permit or license issued by the state is terminated before its expiration date.

Sec. 10-2. – Sale of beer and wine prohibited in residential areas.

Pursuant to the authority granted by the Texas Alcoholic and Beverage Code, the sale of beer and wine within residentially zoned areas within the City is prohibited, which is in accordance with the Zoning Code of the City, as may be amended.

Sec. 10-3. – Sales limited near church, school, hospital, or child-care facility.

(a) Church and public hospital.

- (1) The sale of alcoholic beverages within 300 feet of a church or public hospital is prohibited.
- (2) The measurement of the distance between the place of business where alcoholic beverages are sold and a church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.

(b) Public and private schools.

- (1) The sale of alcoholic beverages within 300 feet of a public or private school is prohibited.

- (2) The measurement of the distance between the place of business where alcoholic beverages are sold and a public or private school shall be in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections.

(c) Child-care facility.

- (1) The sale of alcoholic beverages within 300 feet of a “day-care center” or a “child-care facility” as those terms are defined by Section 42.002 of the Texas Human Resources Code, is prohibited.

- (2) The measurement of the distance between the place of business where alcoholic beverages are sold and a day-care center or child-care facility shall be in a direct line from the property line of the day-care center or child-care facility to the property line of the place of business, and in a direct line across intersections.

(d) Responsibility for measurements. The City Manager or designee is responsible for the measurement of distances under this section.

(e) Exceptions. The above regulations prohibiting the sale of alcoholic beverages within specified distances from churches, public hospitals, public and private schools, and child-care facilities are subject to any and all conditions and exceptions established in the Texas Alcoholic Beverage Code.

(f) Notices. Every applicant for an original alcoholic beverage permit or license for a location with a door by which the public may enter the place of business of the applicant that is within 1,000 feet of the nearest property line of a public or private school, measured along street lines and directly across intersections, shall give written notice of the application to the official of the public or private school before filing the application with the Texas Alcoholic Beverage Commission and the City. A copy of the notice must be submitted to the Commission and the City with the application. This section does not apply to a permit or license covering a location where minors are prohibited from entering the premises under Section 109.53, Texas Alcoholic Beverage Code.

(g) Variances to distance requirement. A property owner may apply to City Council for a variance from the distance limitations provided by

this section. The property owner must file a request for variance on a form provided by the City, pay the applicable fee, and specify the grounds supporting the variance as specified below. Upon submission of an administratively complete application, the City Manager or designee shall then place the variance application on a meeting agenda. City Council may allow a variance to this section if it determines that the enforcement of the regulation in a particular circumstance:

- (1) is not in the best interests of the public;
 - (2) constitutes waste or inefficient use of land or other resources;
 - (3) creates an undue hardship on the applicant for a permit or license;
 - (4) does not serve its intended purpose;
 - (5) is not effective or necessary; or
 - (6) for any other reason the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.
- (h) Public hearing. City Council may not grant a variance under this section except after a public hearing for which notice has been given not less than ten days prior to the hearing date both in the official City newspaper and by regular United States mail to property owners within 200 feet of the place of the business requesting a variance. The City shall send the notice to all such owners at the address indicated on the last approved City tax roll. The notice area for a variance request shall be measured in a direct line from the property line of the place of business.
- (i) Refiling. When City Council denies an application or when the applicant has withdrawn a request after the giving of public notice, the City will not accept a new application for a variance for a period of 12 months from the date of a denial or withdrawal unless the variance is denied without prejudice.

- (j) Fee. City Council may establish a reasonable fee for the administrative costs with processing a variance under this section, which such fee shall then be specified within the City's Fee Schedule.

Sec. 10-4. – Selling of alcoholic beverages restricted to certain hours.

(a) Any person, firm, or corporation authorized to offer for sale alcoholic beverages within the City may do so only during the hours authorized under Chapter 105, Texas Alcoholic Beverage Code.

(b) Pursuant to Section 105.03, Texas Alcoholic Beverage Code, extended hours for the sale of mixed beverages are adopted, so that the holder of a mixed beverages late hours permit may sell and offer for sale mixed beverages between midnight and 2:00 a.m. on any day.

(c) Pursuant to Section 105.05, Texas Alcoholic Beverage Code, extended hours for the sale of beer are adopted, so that the holder of a retail dealer's on-premises late hours license may sell, offer for sale, and deliver beer between midnight and 2:00 a.m. on any day.

Sec. 10-5. – Penalty for selling alcoholic beverages in violation of chapter.

A person, firm, or corporation subject to this chapter who sells an alcoholic beverage without having paid the fee herein levied; or, violates, disobeys, omits, neglects or refuses to comply with any other part of this chapter commits a misdemeanor punishable by a fine of not less than \$10.00 nor more than \$200.00. In addition, the City Secretary shall report any such failure to pay the fee to the Texas Alcoholic Beverage Commission."

SECTION TWO. The City Secretary is authorized and directed to submit this amendment to the publisher of the City's Code of Ordinances and the publisher is authorized to amend said Code to reflect the amendment adopted herein and to correct typographical errors and to index, format, and number and letter paragraphs to the existing Code as appropriate.

SECTION THREE. The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The Council of the City of Kerrville, Texas hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

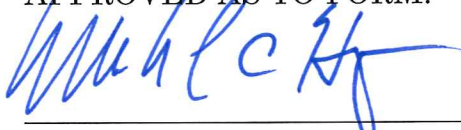
SECTION FIVE. In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), the City Clerk is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

PASSED AND APPROVED ON FIRST READING, this the ____ day of _____, A.D., 2019.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ day of _____, A.D., 2019.

Bill Blackburn, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Ordinance No. 2019-10. An ordinance amending the 2019 Fiscal Year budget to account for the transfer of excess funds, the receipt of additional revenue, and to make other amendments as provided herein

AGENDA DATE OF: June 11, 2019 **DATE SUBMITTED:** Jun 04, 2019

SUBMITTED BY: Amy Dozier

EXHIBITS: [20190528-20190611_Ordinance_2019-10 Amending 2019 Fiscal Year Budget.pdf](#)
[20190611_Ordinance_Attachment A.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
N/A	N/A	\$0	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

During the year, events occur that require amending the originally adopted budget. Transfers between expenditure line items with a \$0 net impact to the fund can be approved by the City Manager. Amendments that increase overall revenue or expenditures require approval from the City Council in the form of an ordinance that requires two readings and two votes.

The attached mid-year budget amendment provides detail on all of the requested amendments. A summary of those amendments is as follows:

1. Transfer of excess fund balance based on audited FY2018 financial statements including \$200,000 to the General Asset Replacement Fund, \$200,000 to the General Capital Projects Fund, and \$100,000 to the Water Asset Replacement Fund. In accordance with our financial policy, excess fund balance can be appropriated for capital

items. The City's General Fund unassigned fund balance will be at 30% of operating expenditures, still exceeding our target of 25%, following the transfer. The transfers will be used as cash financing for capital projects and capital asset replacement purchases that Council will approve as part of the FY2020 budget process. In addition, Council will separately approve any individual purchases or contracts over \$50,000.

2. An amendment to account for the receipt of \$102,000 from HEB for the Hays St. right of way. The proceeds will be received by the General Fund and transferred to the General Capital Projects fund to be used as cash financing for capital projects that Council will approve as part of the FY2020 budget process.

3. An amendment to account for the receipt and related expenditures for \$35,000 in grants received for recycling receptacles and household hazardous waste collection.

4. An amendment authorizing the \$20,000 purchase of an undercover police vehicle using the accumulated fund balance in the Police Special Revenue Fund. As of 9/30/18, the available fund balance that can only be used for Police related purchases was \$60,978.

5. An amendment related to our banking agreement with Wells Fargo. Our contract contains a provision that allows us the option of receiving interest and paying fees or letting the activities net with no cash implication. With rising interest rates this year, we switched to the option that pays interest and charges fees. This option is resulting in net revenue of approximately \$2,000 per month. The budget was prepared using the no cash option. The amendment authorizes \$31,500 in banking fees offset by interest revenue.

6. An amendment to record the receipt of \$27,853 in Fire and EMS grants and donations. The revenue will be used to pay for tools, equipment and overtime related to the revenue.

7. An amendment to record \$14,610 in additional donations to the Library Memorial Fund. The amendment authorizes the donations to be used for purchasing items for the library including books, magazine racks and technology items.

8. An amendment authorizing \$14,838.26 in additional interest expense in the Water Debt Service Fund. The final amortization schedule for the Texas Water Development Board (TWDB) debt was not received until December 2018 and it was slightly different than the estimated amounts. The additional expense will be paid for using interest revenue in the fund that has been better than budget. Council approved issuance of the debt in 2018.

9. An amendment with no cash implication, but that is required for proper accounting and financial statement reporting purposes. The TWDB debt is structured differently than other debt. Rather than receiving the proceeds when the loan closes, the funds were put into an escrow account. The City receives distributions from the escrow account as project expenditures are incurred for the Legion Lift and TTHM projects. We anticipated these funds would go directly to the Water Capital Projects Fund. However, for financial statement reporting purposes, the funds must come to the Water Fund first and then be transferred to the Capital Projects Fund. The amendment is for the total amount of escrow

distributions expected for both projects in FY2019.

RECOMMENDED ACTION:

Approve Ordinance 2019-10 on second reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2019-10**

**AN ORDINANCE AMENDING THE 2019 FISCAL YEAR BUDGET
TO ACCOUNT FOR THE TRANSFER OF EXCESS FUNDS, THE
RECEIPT OF ADDITIONAL REVENUE, AND TO MAKE OTHER
AMENDMENTS AS PROVIDED HEREIN**

WHEREAS, Ordinance No. 2018-17, as approved upon second reading on September 11, 2018, adopted the Fiscal Year 2019 Budget for the City of Kerrville, Texas; and

WHEREAS, the City Council finds that amending the City's Fiscal Year 2019 Budget is in the best interest of the citizens of the City of Kerrville;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:**

In accordance with Section 8.07 of the City Charter, the Official Budget for Fiscal Year 2019 is amended as set forth in **Attachment A**.

PASSED AND APPROVED ON FIRST READING, this the 28th day of May, A.D., 2019.

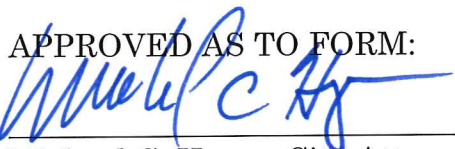
PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ day of _____, A.D., 2019.

Bill Blackburn, Mayor

ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

Attachment A
City of Kerrville
FY2019 Mid-Year Budget Amendment

Fund	Account #	Account Name	Debit	Credit
1. General Fund	01-0100-9018	Transfer Out - Gen Asset Replacement	200,000.00	
General Asset Replacement	18-7001	Transfer In - General Fund		200,000.00
General Fund	01-0100-9070	Transfer Out - Gen Capital Projects	200,000.00	
General Capital Projects	70-7001	Transfer In - General Fund		200,000.00

Note:

This amendment authorizes the transfer of \$400,000 in excess fund balance based on audited FY2018 financial statements to fund the following:

- a. Future asset replacement purchases - these purchases will be approved as part of the annual budget process and any individual purchase > \$50,000 will be approved by Council.
- b. FY2020 Capital Projects - including the remaining portion of the Drainage Master Plan project. Any contracts >\$50,000 will be individually approved by Council.

2. Water Fund	02-0200-9019	Transfer Out - Water Asset Replacement	100,000.00	
Water Asset Replacement	19-7002	Transfer In - Water Fund		100,000.00

Note:

This amendment authorizes the transfer of \$100,000 in excess fund balance based on audited FY2018 financial statements to fund the following:

- a. Future asset replacement purchases - these purchases will be approved as part of the annual budget process and any individual purchase > \$50,000 will be approved by Council.

3. General Fund	01-0100-9070	Transfer Out - Gen Capital Projects	102,000.00	
General Fund	01-6901	Asset Disposal Proceeds		102,000.00
General Asset Replacement	70-7001	Transfer In - General Fund		102,000.00

Note:

This amendment accounts for a payment from HEB for the Hays St. right of way agreement. The proceeds will be transferred to the General Capital Projects fund to be used as cash financing for capital projects that Council will approve as part of the FY2020 budget process.

Attachment A
City of Kerrville
FY2019 Mid-Year Budget Amendment

Fund	Account #	Account Name	Debit	Credit
4. Grant Fund	85-8562-1100	Tools and Equipment	10,000.00	
Grant Fund	85-6782	Grant - Recycle		10,000.00
Grant Fund	85-8562-3140	Recycling Services	25,000.00	
Grant Fund	85-6782	Grant - Recycle		25,000.00

Note:

This amendment records the receipt and related expenditure in the Grant Fund for two grants received from AACOG: \$10,000 for recycling receptacles and \$25,000 for the Household Hazardous Waste Event held in November.

5. Police Special Revenue Fund	13-1303-5200	Vehicles	20,000.00	
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Note:

This amendment authorizes the purchase of an undercover police vehicle using accumulated fund balance in the Police Special Revenue Fund. As of 9/30/18, available fund balance that can only be used for Police related purchases was \$60,978.

6. General Fund	01-0106-3114	Banking Fees	31,500.00	
General Fund	01-6970	Interest Revenue		31,500.00

Note:

Our banking agreement with Wells Fargo contains a provision that allows us the option of receiving interest and paying fees or letting the activities net with no cash implication. With rising interest rates this year, we switched to the option that pays interest and charges fees. This option is resulting in net revenue of at least \$2,000 per month. The budget was prepared using the no cash option. This amendment authorizes the additional banking fees and shows offsetting revenue.

7. General Fund	01-0130-1100	Tools & Equipment	10,250.00	
General Fund	01-0130-1110	Technology Equipment	3,343.00	
General Fund	01-6730	EMS - Grants/Donations		13,593.00

Note:

This amendment records a grant from the Trauma Care System Fund (EMS) that was used to fund the purchase of an AirTraq device and technology equipment.

Attachment A
City of Kerrville
FY2019 Mid-Year Budget Amendment

Fund	Account #	Account Name	Debit	Credit
8. General Fund	01-0121-0001	Overtime	14,260.31	
General Fund	01-6721	Fire - Grants/Donations		14,260.31

Note:

This amendment records grants received from STRAC related to emergency deployments. The grants are used to offset department overtime incurred because of the deployment.

9. Library Memorial Fund	15-6799	Miscellaneous Donation		9,710.00
Library Memorial Fund	15-1500-5700	Books and Records	6,050.00	
Library Memorial Fund	15-1500-2300	Software Maintenance Agreements	3,660.00	
Library Memorial Fund	15-6702	Friends of the Library Donation		4,850.00
Library Memorial Fund	15-1500-1100	Tools and Equipment	4,500.00	
Library Memorial Fund	15-1500-1110	Technology Equipment	350.00	

Note:

This amendment records donations received by the Library Memorial Fund and offsetting expenditures for books, magazine storage bins, a basement Wi-Fi access point and a subscription to a service called Deep Freeze to manage, update and secure public access computers.

10. Water Debt Service	53-5300-4119	2018B TWDB Interest Expense	14,438.26	
Water Debt Service	53-6970	Interest Revenue		14,438.26

Note:

The actual debt amortization schedule on the Water Fund's Texas Water Development Fund debt was slightly different than estimated during the FY2019 budget process, resulting in \$14,438.26 more in debt service in FY2019. No additional debt service transfer from the Water Fund is required, because better than budgeted interest revenue in the debt service fund will offset the interest expense.

11. Water Fund	02-0200-9071	Transfer Out - Water Capital Projects	8,000,000.00	
Water Capital Projects Fund	71-7002	Transfer In - Water Fund		8,000,000.00

Attachment A
City of Kerrville
FY2019 Mid-Year Budget Amendment

Fund	Account #	Account Name	Debit	Credit
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Note:

This amendment is to show an accounting treatment requested by our auditors. The loans from TWDB were funded to an escrow account at the closing date. The City receives distributions from the escrow account as project expenditures are incurred for the Legion Lift and TTHM projects. We anticipated that these distribution would go directly to the Capital Projects Fund. However, for financial statement reporting purposes, the funds must come to the Water Fund first and then be transferred to the Capital Projects Fund. This amendment is for the total amount of escrow distributions expected for both projects in FY2019.